

CPME0243828D

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Applicant	SEIKO EPSON CORPORATION		Date of Issue
Agent	China Patent Agent (H.K.) Ltd.		January 20, 2006
Patent Application No.	02159776.6	Application Date May 13, 1999	
Title of Invention	INK CARTRIDGE FOR INK-JET PRINTING APPARATUS		

Second Office Action

- ☒ The examiner has received the Observations, submitted by the applicant on 2005.07.20 in response to the 1st Office Action issued by the Patent Office, and on this basis continued to conduct examination as to substance of the captioned patent application.

☐ On the basis of the Reexamination Decision made by the Reexamination Board of the Chinese Patent Office on _____, the examiner has continued to conduct examination as to substance of the captioned patent application.

☐
- Further examination has been conducted in the light of the following application document(s):

☐ the amended application document(s) attached to the said observations.

☒ the application document(s) at which the previous Office Action is directed, and the replacement sheet(s) of the amended application document(s) attached to the said Observations.

☐ the application document(s) at which the previous Office Action is directed.

☐ the application document(s) confirmed in the said Reexamination Decision.

☐
- ☒ In this Office Action no new reference documents have been cited.

☒ The following reference document(s) is/are cited in this Office Action. (Its/Their serial number(s) shall come after those previously cited and will continue to be used throughout the examination procedure):

Serial No.	Number or Title(s) of Reference Document(s)	Date of Publication (or filing date of interfering appl.)
1	CN1125175A	1996.06.26

4. Concluding comments of the examiner:

☐ On the description:

- ☐ The amendment to the description is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ The content of the application comes within the scope where no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.
- ☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ On the claims:

- ☐ The amendment to Claim(s) _____ is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ Claim(s) _____ come(s) within the scope where no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the definition of invention in Rule 2, para. 1 of the Implementing Regulations.
- ☒ Claim(s) 1-4,7-10,21,22,24,25 possess(es) no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☒ Claim(s) 23,26 possess(es) no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) _____ possess(es) no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☒ Claim(s) 12,13,15-18 is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☒ Claim(s) 11,14 is/are not in conformity with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☒ Claim(s) 5,6,19,20 is/are not in conformity with the provision of Rule 21 of the Implementing Regulations.

See the text portion of this Office Action for a detailed analysis of the above concluding comments.

5. In view of the above concluding comments, the examiner deems that
- ☐ the applicant should make amendment to the application document(s) according to the requirements raised in the text portion of this Office Action.
 - ☒ the applicant should expound in his/its observations the reason why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions as pointed out in the text portion of this Office Action, otherwise the said application will be rejected.
 - ☐ the patent application has no substantive content(s) for which the patent right may be obtained, if the applicant has no sufficient reason to demonstrate that the captioned application may be granted a patent right, said the application will be rejected.

6. The applicant should pay attention to the following matters:

- (1) According to the provision of Art. 37 of the Patent Law, the applicant should submit his/its observations within two months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making a response is not met, the said application shall be deemed to have been withdrawn.
- (2) The amendment(s) made by the applicant to the application should be in conformity with the provisions of Art. 33 of the Patent Law and Rule 51 of the Implementing Regulations thereof, the amended text should be in duplicate and its form should conform to the relevant provisions of the Guidelines for Examination.
- (3) The observations and/or amended text of the applicant should be submitted to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not submitted Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.
- (4) If no appointment is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to hold an interview with the examiner.

7. This Office Action consists of the text portion totaling 3 page(s) and of the following attachment(s):

- ☒ 1 copy(copies) of the reference document(s) cited totaling 5 page(s).

Examination Dept. No. _____ Examiner _____

2206

CPME0243828D

TEXT OF THE SECOND OFFICE ACTION

The applicant filed his observations and amended application documents on July 20, 2005. He amended the description and abstract in response to the First Office Action. Said amendments, filed as requested in said Office Action, were made within the disclosure of the original claims and the description and, hence, allowable. The examiner, upon a further examination thereon, now raises again comments hereunder.

1. Claim 1 lacks novelty under Article 22.2 of the Chinese Patent Law. Patent reference CN 1125175A (reference 1) published on June 26, 1996 has disclosed an ink cartridge (of the same technical category). Said ink cartridge comprises a housing having walls 501 and an opening, said housing containing ink. Also, a top wall of said housing being constituted by a lid 516 covering said opening of said housing; an ink chamber defined by said housing and said lid; an ink supply port 513 formed on a lower end of said housing (see fig. 2 of said reference). It is obviously shown in figures 6(a) and 6(b), a recess is formed in an outer surface of the lid and a seal member 545 adhered onto the outer surface of said lid. And the seal member seals a ink-containing hole 514 such that said recess is isolated from an interior of the ink cartridge and exposed partially [see recesses shown in the left bottom corner and right bottom corner in figures 6(a) and 6(b)]. When the ink cartridge being packed under a vacuum position, pressure within the recesses are obviously lower than the atmospheric pressure owing to the recesses being exposed (see the description, page 9, line 2 from the bottom to page 10, line 11). Hence, reference 1 has substantively disclosed the technical solution of claim 1. Said recesses are also obviously for gas receiving purposes. So, claim 1 lacks novelty over reference 1.

2. As obviously shown in reference 1, figures 6(a) and 6(b), the seal member 545 partially covers the recesses at the right bottom corners respectively thereof; and the seal member is partially removable. Thus, the lid and the ink supply port, as shown in fig. 2 of reference 1, are formed respectively on the upper end and over end of the ink cartridge. Thus, the additional technical features of claims 2-4 have likewise been disclosed by reference 1. Said claims, as a result, lack novelty required under Article 22.2 of the Chinese Patent Law.

3. Dependent claims 5 and 6, while claiming respectively a subject matter of the ink cartridge, define respectively a printer. Said definitions are obviously irrelative to the invention object claimed in the present invention (i.e.: for receiving gas seepage out of the ink cartridge by means of recesses in the outer surface of the lid). This is not in conformity with Rule 21.3 of the Implementing Regulations. The applicant should delete said claims.

4. As obviously shown in reference 1, figures 6(a) and 6(b), the lid 516 has two recesses formed in the outer surface of the lid; said outer surface has a fine, circuitous groove 541 and air communication holes 514, 515. Thus, the additional technical features of claims 7-9 have likewise been disclosed by reference 1. Said claims, as a result, lack novelty required under Article 22.2 of the Chinese Patent Law.

5. Claim 10 lacks novelty under Article 22.2 of the Chinese Patent Law. Patent reference CN 1125175A (reference 1) published on June 26, 1996 has disclosed an ink cartridge (of the same technical category). Said ink cartridge comprises an ink cartridge main body having an ink chamber 502 communicating with an ink supply port 513; and a lid 516 covering an opening of the ink cartridge and having an atmosphere communication port 514 (see reference 1, fig. 2). It is obviously shown in figures 6(a) and 6(b), a narrow groove 541, sealed by a seal member 542 to define a capillary, is formed on the lid. And a recess is formed in an outer surface of the lid; said recess and narrow groove being separately independent. When the ink cartridge being packed under a vacuum position, pressure within the recesses are obviously lower than the atmospheric pressure owing to the recesses being exposed. Hence, reference 1 has substantively disclosed the technical solution of claim 10. Said recesses are also obviously for gas receiving purposes. So, claim 10 lacks novelty over reference 1 under Article 22.2 of the Chinese Patent Law.

6. Following are not anticipated in the description, viz.: 'protruding portions' in claims 12, 18; 'a notch' in claim 13; additional technical features of claim 15; 'an annular groove' in claims 16, 17; and 'an engagement groove' in claim 18. Said claims, therefore, are not supported by the description and not in conformity with Article 26.4 of the Chinese Patent Law.

7. Claims 11 and 14 claim protection scopes indefinite and not in conformity with Rule 20.1 of the Implementing Regulations. In claim 11, it is unclear why a plurality of the recesses formed to mutually communicate with each other. Since it being a recess defined in claim 10,

how it self-contradictorily turns to 'a plurality the recesses' here in claim 11? In claim 14, it is unclear how is an opening area of the recess be dimensioned so as to prevent the film from closing the recess by the action of atmospheric pressure.

8. Dependent claims 5 and 6 each defines an additional technical feature of a rib for the purpose of guiding engagement between the lid and the ink cartridge main body. Said definitions are obviously irrelative to the invention object claimed in the present invention (i.e.: for receiving gas seepage out of the ink cartridge by means of recesses in the outer surface of the lid). This is not in conformity with Rule 21.3 of the Implementing Regulations. The applicant should delete said claims.

9. Reference 1, figures 6(a) and 6(b) indicates narrow grooves 541, 541' and 541" parallel one with another and separated one from another by protruding portions. The seal member 542 covers said grooves serving as capillaries. A seal member 545 also covers said narrow grooves. The seal members 542 and 545 are adhered across each other; and the openings of the narrow grooves and opening of the recess are covered by a removable seal member 545. Thus, the additional technical features of claims 21-22 and 24-25 have likewise been disclosed by reference 1. Said claims, as a result, lack novelty required under Article 22.2 of the Chinese Patent Law.

10. Claim 23 further defines the opening of each of the grooves. Yet, it fails to trace from the description that said definition represents whatsoever prominent substantive feature or possesses notable progress. Hence, said claim 23 can not be considered inventive under Article 22.3 of the Chinese Patent Law.

11. Claim 26 defines the ink cartridge is packed by a packing member of an air impermeable film under a vacuum condition. Yet, it is commonly known in the art to pack an ink cartridge in a vacuum condition. It is but only natural that an air impermeable film be used under the recess for storing gas seepage out of the ink. Hence, said claim is rendered non-inventive under Article 22.3 of the Chinese Patent Law.

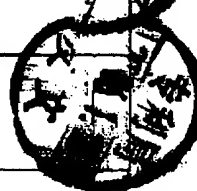
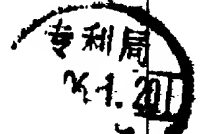
To sum up, the applicant should file, within the time limit prescribed herewith, ample reasons testifying the claims of the present application possessing novelty and inventiveness over the disclosure made in reference 1. (Or, he should amend the claims with ample reasons expounding said claims possessing novelty and inventiveness over reference 1). He should also overcome other existing defects at the same

time. If failing which, the present application can hardly be acceptable. Amendments filed by the applicant to the present application documents should comply with Article 33 of the Chinese Patent Law in not going beyond the contents contained in the original description and the claims.

The applicant is further reminded that same members should be filed in the same terms. Since defects of different members filed in the same terms appear in the present application, the applicant is suggested to have each member mentioned in the claims added with its corresponding reference sign, with a parenthesis, to facilitate better understanding of the claims.



中华人民共和国国家知识产权局



邮政编码: 100032

北京市西城区金融街 27 号投资广场 B 座 19 层
中国专利代理(香港)有限公司
章社果

发文日期

申请号: 021597766



申请人: 精工爱普生株式会社

发明创造名称: 喷墨打印装置上的墨盒

第 2 次审查意见通知书

0243828D

TJ

1. ☒ 审查员已收到申请人针对国家知识产权局专利局发出的第 1 次审查意见通知书于 2005 年 7 月 20 日提交的意见陈述书, 在此基础上审查员对上述专利申请继续进行实质审查。

☐ 根据国家知识产权局专利复审委员会于 年 月 日作出的复审决定, 审查员对上述专利申请继续实质审查。

2. ☐ 申请人于 年 月 日提交的修改文件, 不符合实施细则第 51 条第 3 款的规定, 不能被接受; 申请人应在本通知规定的期限内提交符合要求的修改文件, 否则视为未答复审查意见通知书, 申请将被视为撤回。

3. 继续审查是针对下述申请文件进行的:

☐ 上述意见陈述书中所附的经修改的申请文件。

☒ 前次审查意见通知书所针对的申请文件以及上述意见陈述书中所附的经修改的申请文件替换页。

☐ 前次审查意见通知书所针对的申请文件。

☐ 上述复审决定所确定的申请文件。

4. ☒ 本通知书未引用新的对比文件。

☒ 本通知书引用下述对比文件(其编号续前, 并在今后的审查过程中继续沿用):

编号

文件号或名称

公开日期(或抵触申请的申请日)

1

CN1125175A

1996 年 6 月 26 日

5. 审查的结论性意见:

☐ 关于说明书:

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的修改不符合专利法第 33 条的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

☒ 权利要求 1-4, 7-10, 21, 22, 24, 25 不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求 23, 26 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。

☒ 权利要求 12, 13, 15-18 不符合专利法第 26 条第 4 款的规定。

☐ 权利要求 不符合专利法第 31 条第 1 款的规定。

☐ 权利要求 的修改不符合专利法第 33 条的规定。

☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。



04 APR 2006

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2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

申请号 021597766

- ☐ 权利要求 _____ 不符合专利法实施细则第 13 条第 1 款的规定。
☒ 权利要求 11, 14 不符合专利法实施细则第 20 条的规定。
☒ 权利要求 5, 6, 19, 20 不符合专利法实施细则第 21 条的规定。
☐ 权利要求 _____ 不符合专利法实施细则第 22 条的规定。
☐ 权利要求 _____ 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

7. 申请人应注意下述事项:

(1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的 2 个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条和实施细则第 51 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 3 页, 并附有下列附件:

☒ 引用的对比文件的复印件共 1 份 5 页。

审查员 李声宏 (2674)

2005 年 12 月 26 日

审查部门 机械发明审查部

21303
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

第二次审查意见通知书正文

申请号：021597766

申请人于2005年7月20日提交了意见陈述书和经过修改的申请文件。申请人根据第一次审查意见通知书对说明书和说明书摘要进行了修改，上述修改是按照审查意见通知书的要求作出的，且修改未超出原权利要求书和说明书的记载范围，因此是允许的。在此基础上，审查员继续进行审查，再次提出如下审查意见。

1. 权利要求1不符合专利法第二十二条第二款所规定的新颖性。1996年6月26日公开的专利文献CN1125175A（对比文件1）公开了一种墨盒（技术领域相同），其中公开了具有壁501和开口的外壳，其中装有墨水，外壳的顶壁由覆盖所述开口的盖子516构成，所述外壳和盖子限定了墨水腔室，在所述外壳的下端上形成有供墨口513（参见该对比文件的图2），并且从图6（a）和图6（b）中很明显地能看出，在盖子的外表面上形成有凹槽以及粘附在盖子外表面上的密封件545，并且密封件密封住装墨孔514等以致于所述凹槽与墨盒的内部隔离且部分暴露（参见附图6（a）和（b）中的左下角和右下角所示凹槽）。当真空包装墨盒时，由于凹槽是暴露的，很显然凹槽内的压力会低于大气压（参见说明书第9页倒数第2行至第10页第11行）。由此可见，对比文件1实质上已经公开了权利要求1的技术方案，并且很明显所述凹槽也能起着容纳气体的作用，因此权利要求1相对于对比文件1不具备新颖性。

2. 从对比文件1的附图6（a）和6（b）中很显然，密封件545部分地覆盖图中右下角所示的凹槽，并且密封件是部分可移除的，而从对比文件1的图2中能看出盖子和供墨口分别形成于墨盒的上端和下端。由此可见权利要求2至4的附加技术特征也在对比文件1中公开，因此权利要求2至4不具备专利法第二十二条第二款所规定的新颖性。

3. 从属权利要求5和6的主题是墨盒，但是它们却对打印机进行了限定，这种限定很显然与与本发明的发明目的（利用盖子外表面上的凹槽存储墨盒渗出的气体）无关，不符合实施细则第二十一条第三款的规定。申请人应当删除上述权利要求。

4. 从对比文件1的附图6（a）和6（b）中很显然，盖子516上有两个凹槽，并且形成有凹槽的盖子外表面上具有曲折的细槽541以及空气连通孔514、515。由此可见权利要求7至9的附加技术特征也在对比文件1中公开，因此权利要求7至9不具备专利法第二十二条第二款所规定的新颖性。

5. 权利要求10不符合专利法第二十二条第二款所规定的新颖性。1996年6月26

日公开的专利文献CN1125175A（对比文件1）公开了一种墨盒（技术领域相同），其中公开了具有与供墨口513相连的墨水腔室520的墨盒主体，覆盖墨盒开口的盖子516具有大气连通口514（参见该对比文件的图2），并且从图6（a）和图6（b）中很明显地能看出，盖子516上形成有窄槽541，其由密封件542所密封以限定出毛细管，在盖子的外表面上形成有凹槽，凹槽与窄槽是独立的。并且当真空包装墨盒时，由于凹槽是暴露的，很显然凹槽内的压力会低于大气压。由此可见，对比文件1实质上已经公开了权利要求10的技术方案，并且很明显所述凹槽也能起着容纳气体的作用，因此权利要求10相对于对比文件1不具备专利法第二十二条第二款所规定的新颖性。

6. 权利要求12和18中的“突出部分”、权利要求13中的“槽口”、权利要求15的附加技术特征、权利要求16和17中出现的“环形槽”、权利要求18中出现的“衔接槽”在说明书中并未出现，因此这些权利要求得不到说明书的支持，不符合专利法第二十六条第四款的规定。

7. 权利要求11和14保护范围不清楚，不符合专利法实施细则第二十条第一款的规定。对于权利要求11，“从而”前后是什么关系？形成了多个凹槽怎么就“彼此相互相连”了呢？并且权利要求10中限定为一个凹槽，如何又限定多个凹槽？这样是相互矛盾的。对于权利要求14，如何限定凹槽开口区域的尺寸从而通过大气压的作用来防止所述膜封闭所述凹槽？

8. 从属权利要求19和20的附加技术特征限定的是筋板，其作用是导向盖子和墨盒本体的接合，因此这种限定很显然与与本发明的发明目的（利用盖子外表面上的凹槽存储墨盒渗出的气体）无关，不符合实施细则第二十一条第三款的规定。申请人应当删除上述权利要求。

9. 对比文件中图6（a）和6（b）所示窄槽541、541'、541''彼此平行，其间由突出部分彼此隔开，密封件542覆盖在其上形成毛细管作用，并且密封件542覆盖窄槽，而密封件545与密封件542垂直地粘贴，所述窄槽的开口和所述槽口被可移除的密封件545所覆盖，由此可见权利要求21、22、24和25的附加技术特征也在对比文件1中公开，因此权利要求21、22、24和25不具备专利法第二十二条第二款所规定的新颖性。

10. 权利要求23对窄槽的开口进行了进一步限定，但是从说明书中并不能看出这种限定有任何突出的实质性特点和显著的进步，因此不能据此认为该权利要求具备专利法第二十二条第三款所规定的创造性。

11. 权利要求26限定墨盒在真空下由不透气膜的包装件包装，但是真空包装墨

盒是本领域的公知技术，而在具有容纳墨水渗出气体的凹槽之下，自然可以使用不透气膜，因此该权利要求不具备专利法第二十二条第三款所规定的创造性。

综上所述，除非申请人能在本通知书指定的答复期限内提出本申请权利要求相对于对比文件1所公开的内容具备新颖性和创造性的充分理由（或者对申请的权利要求进行修改，并解释其相对于对比文件1具备新颖性和创造性的充分理由），并且还克服上述其它问题，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。

此外，申请人还应当注意到权利要求和说明书中相同的部件应当术语一致，以及并且由于本申请中出现了不同部件使用相同术语的情况，强烈建议申请人在权利要求书中出现的部件后面尽量加注附图标记，以利于对权利要求的更好理解。

另外，再次提醒申请人，在提交修改文本时应当提交：第一，修改涉及的那一部分原文的复印件，并在该复印件上标注出所作的增加、删除或替换；第二，重新打印的替换页，用于替换相应的原文。申请人应当确保上述两部分在内容上的一致性。

审查员：李声宏

代码：2674 电话：010-62085377